

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

IN RE ALTA MESA RESOURCES, INC.  
SECURITIES LITIGATION

No. 4:19-cv-00957

ALYESKA MASTER FUND, L.P.,  
ALYESKA MASTER FUND 2, L.P., and  
ALYESKA MASTER FUND 3, L.P.,

Judge George C. Hanks, Jr.

Plaintiffs,

No. 4:22-cv-01189

v.

ALTA MESA RESOURCES, INC., *et al.*

Defendants.

ORBIS GLOBAL EQUITY LE FUND  
(AUSTRALIA REGISTERED), ORBIS  
GLOBAL EQUITY FUND (AUSTRALIA  
REGISTERED), ORBIS GLOBAL  
BALANCED FUND (AUSTRALIA  
REGISTERED), ORBIS SICAV, ORBIS  
INSTITUTIONAL GLOBAL EQUITY  
L.P., ORBIS GLOBAL EQUITY FUND  
LIMITED, ORBIS INSTITUTIONAL  
FUNDS LIMITED, ALLAN GRAY  
AUSTRALIA BALANCED FUND,  
ORBIS OEIC, and ORBIS  
INSTITUTIONAL U.S. EQUITY L.P.,

No. 4:22-cv-2590

Plaintiffs,

v.

ALTA MESA RESOURCES, INC., *et al.*,

Defendants.

**WILLIAM MCMULLEN’S MOTION FOR LEAVE TO FILE UNDER SEAL HIS  
REPLY IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT**

William McMullen (“Mr. McMullen”) respectfully requests leave to file an unredacted copy of his Reply in Support of Motion for Summary Judgment (the “Reply”) under seal.

The Reply quotes and references excerpts of deposition transcripts and other documents that have been designated “Confidential” or “Confidential Attorney Eyes Only” (the “Protected Materials”) under the Stipulation and Protective Order (Dkt. 190). Mr. McMullen seeks leave from the Court to file the Reply under seal and to file a public, redacted version of the Reply. Mr. McMullen also requests the Court’s leave to file the following exhibit to the Reply under seal because it contains information designated confidential in this matter: Exhibit N (the “Confidential Exhibit”).

**I. BACKGROUND**

**A. The Protective Order**

The Court entered the Stipulation and Protective Order (the “Protective Order”) on August 7, 2021.<sup>1</sup> The Protective Order permits parties and non-parties who produce documents in this action to designate such materials as “Confidential” or “Confidential Attorney Eyes Only,” limits the permissible disclosure of such materials, and requires that if such materials are filed with the Court that they be “filed only under seal on CM/ECF if

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<sup>1</sup> Dkt. 190.

filed electronically.”<sup>2</sup> To the extent another party wishes to challenge the designations of the filed materials, that party can file a motion to unseal the filing.<sup>3</sup>

The Protective Order provides for a “Confidential” designation that may be applied to a document that “contains information that is proprietary, commercially sensitive, or composed of trade secrets or commercial information that is not publicly known, or other information required by law or agreement to be kept confidential.”<sup>4</sup> The Protective Order reserves the “Confidential Attorney Eyes Only” designation for material that is “extremely sensitive and contains one of the following categories of information: (i) third-party financial account information; (ii) personal social security numbers, personal bank account numbers or personal credit card numbers; and (iii) a party’s current operational or strategic plans regarding its operations, potential mergers, acquisitions, sales or investments.”<sup>5</sup>

#### **B. The Parties’ Meet-and-Confer Efforts**

When a party files designated materials under seal (as required by Paragraph 24 of the Protective Order), the parties must “meet-and-confer” before, or within five (5) business days of, the filing “to discuss whether any or all of the documents require being submitted under seal, or should remain under seal.”<sup>6</sup> If the parties “are unable to reach agreement, the party objecting to the filing under seal may file a motion to unseal.”<sup>7</sup>

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<sup>2</sup> Protective Order ¶¶ 4, 24.

<sup>3</sup> *Id.*, ¶ 14.

<sup>4</sup> *Id.*, ¶ 4.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.* ¶¶ 14, 24

<sup>7</sup> *Id.* ¶ 14.

On September 28, 2023, pursuant to the Protective Order, counsel for Mr. McMullen notified all parties of his intent to file portions of the Reply (and its accompanying Exhibit) under seal. Mr. McMullen’s counsel listed the specific exhibit he intends to file under seal, which has been designated “Confidential” or “Confidential Attorney Eyes Only” under the Protective Order.

## II. ARGUMENT

Under the Protective Order, “[i]f any party submits Confidential Discovery Material or Confidential Attorney Eyes Only Discovery Material to the Court, the submission *must* be filed only *under seal* on CM/ECF if filed electronically.”<sup>8</sup> There is no dispute that the Confidential Exhibit attached to the Reply, and portions of the Reply that refer to the exhibit, contains material designated by certain parties as “Confidential” or “Confidential Attorney Eyes Only” under the Protective Order.<sup>9</sup> The Protective Order therefore requires that it be filed under seal. Mr. McMullen therefore requests that the Court grant this motion to seal and order the Protected Materials to remain sealed.

## III. CONCLUSION

For the reasons set forth herein, Mr. McMullen requests that the Court issue an order, granting this motion and such other relief as may be just and proper.

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<sup>8</sup> Protective Order, ¶ 24 (emphasis added).

<sup>9</sup> See *id.* ¶ 4.

DATED: September 28, 2023

/s/ Kenneth A. Young

Kenneth A. Young (*Attorney-in-Charge*)

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***Counsel for Bayou City Energy Management,  
LLC and William McMullen***

**CERTIFICATE OF SERVICE**

I certify that the foregoing document was served on all counsel of record via the Court's electronic filing system on September 28, 2023.

/s/ Kenneth A. Young

Kenneth A. Young